

IN THE COURT OF SESSION, MANJERI DIVISION

Present:- Sri. K Sanilkumar., Sessions Judge

Saturday, the 21st day of February, 2026

CRIMINAL MISCELLANEOUS PETITION Nos.

03/2026, 04/2026 & 05/2026

in

Sessions Case No. 1087/2023

Crl.M.P.No.03/2026

Between:-

**State of Kerala: Represented by the Special
Public Prosecutor, Manjeri.**

} **Petitioner**
} **Complainant**

And:-

**Muhammed Rafeeqe, S/o Abdu Rahiman
Siddique, Parappuravan House, Avanakkunnu,
Pallikkunnu P.O, Kumaramputhur, Mannarkkad.**

} **Respondent**
} **Accused**

Crl.M.P.No.04/2026

Between:-

**State of Kerala: Represented by the Special
Public Prosecutor, Manjeri.**

} **Petitioner**
} **Complainant**

And:-

**Muhammed Rafeeqe, S/o Abdu Rahiman
Siddique, Parappuravan House, Avanakkunnu,
Pallikkunnu P.O, Kumaramputhur, Mannarkkad.**

} **Respondent**
} **Accused**

Crl.M.P.No.05/2026

Between:-

**State of Kerala: Represented by the Special
Public Prosecutor, Manjeri.** } **Petitioner**
Complainant

And:-

**Muhammed Rafeeqe, S/o Abdu Rahiman
Siddique, Parappuravan House, Avanakkunnu,
Pallikkunnu P.O, Kumaramputhur, Mannarkkad.** } **Respondent**
Accused

These petitions are coming on this day for hearing before me in the presence of **Sri. E.M. Krishnan Namboodiri (Special Public Prosecutor)** for the petitioner and of **Smt. Nassiya.K (Cheif Legal Aid Counsel)** for the respondent in all petitions, the court passed the following:

COMMON ORDER

Learned Special Public Prosecutor filed these three petitions for reopening the evidence under Sec.311 of the Code of Criminal Procedure for the purpose of examining PW29 and examining an additional witness, who remanded the accused on 09.04.2023.

2. In all the CMPs the learned defence counsel filed objection stating that these are belated petitions and they are prejudicial to the accused.

3. The reasons stated in the petitions filed by the learned Special Public Prosecutor is that while producing the accused a short statement was recorded by the learned Magistrate with respect to the injuries on the right forearm of the accused. However, the same was

not marked and after closing the evidence, on 23.01.2026 the accused filed a statement under Sec.313(5) of Cr.P.C. claiming that he was not present there at the time of incident and pleaded *alibi*. In this scenario the learned Special Public Prosecutor submitted that the aforesaid document is crucial and which has to be marked through the learned Magistrate, who recorded the statement of the accused.

4. Considering the facts and circumstances of the case and the defence set up by the counsel for the accused, for an effective fair trial, this Court is of the considered view that reopening of the case under Sec.311 of Cr.P.C. is just for the purpose of doing complete justice. Therefore, the petition under Sec.311 of Cr.P.C is allowed. However, CMP 03/2026 for recalling PW29 is dismissed on account that he has nothing to do with the aforesaid document, and CMP 05/2026, issuing summons to the additional witness is to be allowed. Therefore, I do so.

(Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me on this the 21st day of February, 2026)

Sd/-
Sessions Judge

Typed by: Sumitha

Compared by: 1.Sumitha

2.Suni

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Fair/Copy of Common Order in
CMP Nos. 03/2026, 04/2026, & 05/2026
Dated : 21-02-2026
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